

BOARDS AND COMMISSIONS
Board of Nursing
(Amendment)

201 KAR 20:480. Licensure of graduates of foreign nursing schools.

RELATES TO: KRS 314.041, 314.051

STATUTORY AUTHORITY: KRS 314.131(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 314.131(1) authorizes the Board of Nursing to promulgate administrative regulations to implement the provisions of KRS 314.011 and 314.991. KRS 314.041 and 314.051 authorize the board to issue a license to a graduate of a foreign nursing school. This administrative regulation establishes the requirements for the licensure of graduates of foreign nursing schools.

Section 1. ~~[Applicants for Licensure by Examination.]~~ (1)(a) An applicant for licensure by examination who is a graduate of a foreign nursing school shall meet the requirements of 201 KAR 20:070, Section 1, except for Section 1(3) of that administrative regulation.

(b) An applicant for licensure by endorsement who is a graduate of a foreign nursing school shall meet the requirements of 201 KAR 20:110.

(2) If licensed in another country evidence shall be submitted by the applicant or an organization on behalf of the applicant that the license has not been revoked, suspended, probated, or otherwise disciplined in the licensing country.

(3) An applicant shall maintain proof of legal permanent or temporary residency under the laws and regulations of the United States.

(4)(a) An applicant for licensure as a registered nursing or a licensed practical nurse shall obtain a full education course-by-course report from the Commission on Graduates of Foreign Nursing Schools (CGFNS) Credentials Evaluation Service. ~~[nurse shall obtain a VisaScreen Certificate issued by the International Commission on Healthcare Professions, a division of the Commission on Graduates of Foreign Nursing Schools.~~

~~(b) An applicant for licensure as a licensed practical nurse shall obtain a letter issued by the International Commission on Healthcare Professions, a division of the Commission on Graduates of Foreign Nursing Schools, stating that the requirements of the VisaScreen Certificate have been met.]~~ The report shall state whether the applicant's program of nursing is comparable to an approved program in the state.

(b) An applicant shall also complete an English Language Proficiency examination pursuant to Section 2 of this administrative regulation.

(5) An applicant for licensure by examination may be made eligible to take the NCLEX examination prior to obtaining a Social Security number. However, the applicant shall not be licensed until the applicant ~~[he]~~ provides a Social Security number.

Section 2. English Language Proficiency Examinations.

(1) An applicant for licensure shall complete English Language Proficiency examination unless the language of instruction and the textbooks of the applicant's program of nursing were entirely in English.

(2) The following English Language Proficiency examinations are recognized with the minimum passing standard:

(a) International English Language Testing System (IELTS), 6.5 overall, 6.0 speaking; and

(b) Test of English as a Foreign Language (TOEFL), eighty-four (84) overall, twenty-six (26) speaking.

(3) The applicant shall cause the scores on the English Language Proficiency examination to be sent to the board by CGFNS. [

~~(1) Applicants for Licensure by Endorsement. (1) An applicant for licensure by endorsement who is a graduate of a foreign nursing school shall meet the requirements established in 201-KAR-20:110.~~

~~(2) A graduate of a foreign nursing school who is not a citizen of the United States shall maintain evidence of legal permanent or temporary residency in the United States.~~

~~(3)(a) An applicant for licensure as a registered nurse shall obtain a VisaScreen Certificate issued by the International Commission on Healthcare Professions, a division of the Commission on Graduates of Foreign Nursing Schools.~~

~~(b) An applicant for licensure as a licensed practical nurse shall obtain a letter issued by the International Commission on Healthcare Professions, a division of the Commission on Graduates of Foreign Nursing Schools, stating that the requirements of the VisaScreen have been met.]~~

JESSICA WILSON, President

APPROVED BY AGENCY: October 28, 2021

FILED WITH LRC: November 5, 2021 at 10:30 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Monday, January 24, 2022, at 10:00 a.m. (EDT) in the office of the Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by Monday, January 17, 2022, five workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until end of day (11:59 p.m. EDT) Monday, January 31, 2022. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Jeffrey R. Prather, General Counsel, Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky 40222, cell (502) 338-2851, email Jeffrey.Prather@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jeffrey R. Prather

(1) Provide a brief summary of:

(a) What this administrative regulation does: It sets certain requirements for applicants for licensure who graduated from a foreign nursing school.

(b) The necessity of this administrative regulation: It is necessary to assure that the foreign nursing program is comparable to a Kentucky program and that the applicant can speak, read, and understand English.

(c) How this administrative regulation conforms to the content of the authorizing statutes: By setting these requirements.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: By setting these requirements.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change the existing administrative regulation: It replaces the requirement of obtaining a VisaScreen with a Commission on Graduates of Foreign Nursing Schools Credentials Evaluation Service (CGFNS CES) report. The VisaScreen does not determine the comparability of the foreign nursing program; the CGFNS CES does. In addition, the accepted English Language Proficiency examinations and the passing scores are listed.

(b) The necessity of the amendment to the administrative regulation: Since the VisaScreen is no longer a useful tool, there must be an evaluative tool to be used by the Board. The CGFNS is such a tool. Also since the VisaScreen will no longer be used, it is necessary to list the English Language Proficiency examinations that are acceptable.

(c) How the amendment conforms to the content of the authorizing statutes: By adopting the CGFNS CES and the English examinations.

(d) How the amendment to the administrative regulation will assist in the effective administration of the statutes: By adopting the CGFNS CES and the English examinations.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Applicants for licensure who graduated from a foreign nursing school, number unknown.

(4) Provide an analysis of how the entities referenced in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change if it is an amendment, including:

(a) A detailed explanation of the actions the entities referenced in question (3) will be required to undertake in order to comply with this proposed administrative regulation: They will have to obtain a CGFNS CES report and pass an English Language Proficiency examination.

(b) An estimate of the costs imposed on entities referenced in question (3) in order to comply with this proposed administrative regulation: There is a fee paid to CGFNS and to the organization providing the English Language Proficiency examination. Board staff understands that the CGFNS CES report cost to be \$385.00; and the costs to take the ELP examinations are as follows: the Test of English as a Foreign Language (TOEFL) examination is \$185.00, and the International English Language Testing System (IELTS) is \$225.00.

(c) The benefits that may accrue to the entities referenced in question (3) as a result of compliance: They will be in compliance with the regulation.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There is no additional cost.

(b) On a continuing basis: There is no additional cost.

(6) Provide the source of the funding to be used for the implementation and enforcement of this administrative regulation: Agency general funds.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation or amendment: It will not.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: It does not.

(9) TIERING: Is tiering applied? Tiering is not applicable.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky Board of Nursing.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 314.041, KRS 314.051, KRS 314.131.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None.

(c) How much will it cost to administer this program for the first year? No additional costs.

(d) How much will it cost to administer this program for subsequent years? No additional costs.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: